

REMARKS

The Office Action dated July 26, 2007 has been given careful consideration by the applicants. Claims 1-25 remain in the application. Reconsideration and reexamination of the claims is hereby respectfully requested.

The Office Action

The Examiner rejected claims 1-25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/01033482 to Van Bosch and further in view of U.S. Publication No. 2004/0012501 to Mazzara.

The Claims Patentably Distinguish Over the Cited Art

The Examiner rejected claims 1-25 under 35 U.S.C. §103(a) as being unpatentable over Van Bosch and Mazzara. For the reasons set forth below, the amended claims are not rendered obvious by the suggested combination.

Briefly, Van Bosch relates to a method for enabling communication with a wireless communication device based upon its dynamic address. Van Bosch indicates that, unlike conventional circuit switch networks which can easily locate a wireless communication device, a wireless communication device which is assigned a dynamic address, such as a dynamic internet protocol (IP) address, may not be located except by the network that assigns the dynamic IP address (paragraph 4 of Van Bosch). So, Van Bosch indicates that there is a need for a method for communicating with a wireless communication device having a dynamic IP address (paragraph 5 of Van Bosch). Van Bosch's focus on IP-based communication, as opposed to more traditional wireless networks, is evidenced by the need to "locate" the vehicle using GPS or the like. Traditional telecommunications networks do not need GPS. Such networks use mobile switching center (MSC) functionality and wireless routing techniques to understand the location of the vehicle.

Mazzara relates to a system for providing activation parameters for a telematic device. As can be best understood, Mazzara provides a system wherein the vehicle is in communication with a call center, such as an On Star system.

Independent claims 1 and 20 both recite that a mobile switching center comprises the recited different modules or means to perform the specified functions of the present application. Likewise, independent claim 10 specifically recites the implementation of a mobile switching center in connection with the claimed method.

The suggested combination of Van Bosch and Mazzara does not teach the incorporation of a mobile switching center (MSC) to perform the recited functions, as disclosed and claimed in the present application. Therefore, the claims are not rendered obvious by the suggested combination.

More specifically, it is not clear that those of skill in the art would even seek to combine the teachings of Van Bosch and Mazzara. For example, Van Bosch relates to a system for enabling communication with a wireless communication device on a car through a second wireless communication device where a dynamic IP address is used -- whereas Mazzara relates to a system wherein a vehicle is simply in communication with a call center, thus lacking a remote mobile communication device. Therefore, those of skill in the art would not necessarily seek to combine these two references -- given that the systems are so different.

Moreover, the above description of Van Bosch teaches away from combining Van Bosch with a system using a mobile switching center to render the present claims obvious. Again, Van Bosch teaches that conventional circuit switch networks can easily locate a wireless communication device while networks using dynamic internet protocol (IP) addresses cannot easily do so. Van Bosch recognizes that there is a need for communication with a wireless device having a dynamic IP address. A wireless communication device having a dynamic IP address is not a conventional telecommunications technology, as contemplated for use by the presently described embodiments. Therefore, one would not use Van Bosch in combination with other teachings to form any system except a system to deal with a dynamic IP address. So, even if there were some motivation to combine teachings with Mazzara, it would not occur in any way to render the claims obvious.

Even if the teachings of the cited art were somehow combined, the resultant combination would not render the claims obvious. More specifically, any resultant combination would not have the claimed functionality housed within a mobile switching center. Van Bosch does not even fairly teach a mobile switching center and Mazzara, although it mentions a mobile switching center, does not fairly suggest that the recited functionality be incorporated therein. Therefore, independent claims 1, 10 and 20 are submitted to be allowable over the suggested combination. Likewise, all claims dependent thereon are submitted to be allowable.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-25) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Joseph D. Dreher, at (216) 861-5582.

Respectfully submitted,

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Date



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Roseanne Giuliani

Date: January 22, 2008